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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,862	11/22/2006	Neil Bernard McLaughlin	39304.02.0015	2257

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222 N. LASALLE STREET
CHICAGO, IL 60601

EXAMINER

CHIN SHUE, ALVIN C

ART UNIT	PAPER NUMBER
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3634

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08/25/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/530,862	Applicant(s) NCLAUGHLIN ET AL.	
	Examiner Alvin C. Chin-Shue	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 17-30, 32-50 and 53-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17-30, 32-50 and 53-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 50 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The written specification and drawings do not provide support for the clamping means having wheels on the inner surface.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 53-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 53-60 are indefinite as they depend from a canceled claim 52.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,5-7,17,18,21-25,28-30,36-41,44-46 and 50 are rejected under 35

U.S.C. 102(b) as being anticipated by Davis. Davis shows a guide 3, base 1, a support structure 23 having a first portion 24 and a second portion 30 with link at the top of portion 30 between handles 27, and lock at 41,45,46,35,39,48, with actuator 47, brake at 52 with shoe/pad 51, brake actuator at 59, and clamping means at 22,5 with wheels 20.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4,8,9,11,17,18,20,24,25,27,36,40,41 and 43 rejected under 35

U.S.C. 103(a) as being unpatentable over Ablad in view of McMillan. Ablad shows a guide 20, base 44, a support structure having a first portion 46 and a second portion with link 49, and lock at 47,48, stops 52, the claimed difference being the claimed lock. McMillan shows a lock comprising a bracket 16 with apertures at 22 and spring biased pin. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ablad to

comprise a lock, in lieu of his, as taught by McMillian, to enable different attitudes of inclinations.

Claims 1-3,4,8,9,10,17,18,19,24,25,26,36 and 40-42 rejected under 35 U.S.C. 103(a) as being unpatentable over Ablad in view of Stegeman et al. Ablad shows a guide 20, base 44, a support structure having a first portion 46 and a second portion with link 49, and lock at 47,48, stops 52, the claimed difference being the claimed lock. Stegeman shows a handle/extension comprising a lock at 52,56 and an actuator 66 mounted on the handle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ablad to comprise a lock and actuator, as taught by Stagerman, to enable locking at different attitudes of inclinations.

Claims 5,6,12,13,21,22,28-30,44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ablad in view of McMillan, as applied above, and further in view of Goldie et al. Ablad, as modified above shows the claimed vehicle, base and guide with the exception of the brake. Goldie et al shows a brake at 33. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ablad to comprise a brake, as taught by Goldie, for locking his base at selected locations.

Claims 5,6,12,13,21,22,28-30,32-35,44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ablad in view of Stegeman et al, as applied above, and further in view of Goldie et al. Ablad, as modified above shows the claimed vehicle, base and guide with the exception of the brake. Goldie et al shows a brake at 33. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ablad to comprise a brake, as taught by Goldie, for locking his base at selected locations.

Claims 5-7,12-14,21-23,28-30,32-35,44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ablad in view of Stegeman et al, as applied above, and further in view of Davis. Ablad shows the claimed vehicle, base and guide with the exception of the brake and actuator. Davis shows a brake at 51,52 with actuator at 59. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ablad to comprise a brake with an actuator, as taught by Davis, for locking his base at selected locations.

Claim 46 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ablad in view of either McMillan or Stegeman et al, as applied above, and further in view of Davis. Ablad shows the claimed vehicle, base and guide with the exception of the clamping means with wheels. Davis shows a clamping means at 22,5 with wheels 20. It would have been obvious to one of ordinary skill in the art

at the time the invention was made to modify Ablad to comprise a clamping means with wheels, as taught by Davis, to enable adjustable wheel

Claims 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ablad in view of either McMillan or Stegeman et al, as applied above, and further in view of Kelly et al. Ablad shows the claimed base and guide with the exception of the clamping means. Kelly et al. shows a clamping means at 37 with pads 43,45. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ablad to comprise a clamping means, as taught by Kelly, for locking his base at selected locations.

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ablad in view of either McMillan or Stegeman et al, as applied above, and further in view of Brown. Ablad shows the claimed base and guide with the exception of the guide being made of a square-shaped cross section. Brown shows a guide being made from a square-shaped cross section. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ablad for his guide to be made of a square-shaped cross section, as taught by Brown, as is conventional, enabling a strong light-weight construction.

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ablad in view of either McMillan or Stegeman et al, as applied above, and further

in view of Kershaw. Ablad shows the claimed base and guide with the exception of the clamping means. Kershaw shows a clamping means with arms 69,71,73,74. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ablad to comprise a clamping means, as taught by Kershaw, for locking his base at selected locations. The examiner TAKES OFFICIAL NOTICE that the practice of using coil spring midway between clamping arms to bias the clamping arms in a clamping position is conventional, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide clamping means, as taught by Kershaw, with a coil spring midway of his clamping arms, as is conventional, to bias the arms in a clamping position.

Applicant's arguments with respect to claims 1-14,17-30,32-50 and 53-60 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the

advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 571-272-6828. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alvin C. Chin-Shue
Primary Examiner
Art Unit 3634

/Alvin C. Chin-Shue/
Primary Examiner, Art Unit 3634